

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS L. TERRY,)	
)	Civil Action No. 08 - 192
Plaintiff,)	
)	District Judge Terrence F. McVerry
v.)	
)	
CITY OF PITTSBURGH; ROBERT E.)	
COLVILLE; KIMBERKELEY CLARK)	
STEPHEN ZAPPALA, JR.; RONALD)	
WADDY; JAMES MCGREGOR; JAMES)	
HEYL; MARGARET GOLD; HELEN)	
LYNCH; RACHELLE TERRY; and LAURA)	
BETH FLECK,)	
)	
Defendants.)	
)	

MEMORANDUM ORDER

On February 11, 2008, Plaintiff initiated the above-captioned case by filing a Motion to Proceed *In Forma Pauperis* accompanied by a civil rights Complaint. This case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On April 1, 2008, Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation (doc. no. 6), recommending that the Amended Complaint (doc. no. 2) be dismissed under the PLRA for failure to state a claim upon which relief may be granted. On April 8, 2008, Plaintiff filed a second Amended Complaint (doc. no. 7) in which he reiterates the same claims he set forth in his first Amended Complaint. Plaintiff filed Objections to the Report and

Recommendation on April 11, 2008 (doc. no. 8). Plaintiff's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 18th day of April, 2008;

IT IS HEREBY ORDERED that Plaintiff's Amended Complaint and Second Amended Complaint are **DISMISSED** under the PLRA for failure to state a claim upon which relief may be granted for the reasons set forth in the April 1, 2008 Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 6) of Magistrate Judge Lenihan dated April 1, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Thomas L. Terry
EJ - 2540
SCRF Mercer
801 Butler Pike
Mercer, PA 16137 - 9651